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In re Application of:  
Raymond W. Bennett III et al  
Application No. 09/096,560  
Filed: June 12, 1998  
For: **HOME GATEWAY SYSTEM FOR  
AUTOMATION AND SECURITY**

**MAILED**

Paper No. 22

**MAR 17 2003**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2800**

ON PETITION

This is a decision on the petition filed October 1, 2002, to withdraw the holding of abandonment. The petition is being treated pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The Notice of Abandonment was mailed September 16, 2002 for failure to file a proper reply to the Notification of Non-Compliance mailed February 11, 2002.

Petitioner asserts that a proper response was timely filed on February 28, 2002. In support of the petition, petitioner submits a copy of an Appeal Brief bearing a Certificate of Correspondence thereon dated February 28, 2002; and states "this correspondence is being deposited with the USPS as first class mail by the undersigned on February 28, 2002."

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements stated above.

Accordingly, the petition is **GRANTED.**

The Notice of Abandonment mailed on September 16, 2002 is hereby vacated and the holding of abandonment withdrawn. The application file is being forwarded to the Technology Center's support staff for entry of the Appeal Brief. Thereafter, the application file will be forwarded to the Examiner for further examination.

A handwritten signature in cursive script that reads "Allen MacDonald".

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Allen MacDonald, Director  
Technology Center 2600  
Communications